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TECHNICAL FILE MATERIAL
Cape Hatteras National Seashore
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DEPARTMENT OF THE INTERIOR
ENVIRONMENTAL ASSESSMENT

PROPOSED
RESTRICTION OF MOTORIZED VEHICLE USE
ON THE BEACHES OF
PEA ISLAND NATIONAL WILDLIFE REFUGE
NORTH CAROLINA

TECHNICAL FILE MATERIAL
Cape Hatteras National Seashore
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Prepared by:
Region IV
FISH AND WILDLIFE SERVICE
U. S. Department of the Interior
Atlanta, Georgia 30329

ENVIRONMENTAL ASSESSMENT
PROPOSED RESTRICTION OF MOTORIZED VEHICLE USE
ON THE BEACHES OF
PEA ISLAND NATIONAL WILDLIFE REFUGE, NORTH CAROLINA

SUMMARY

() Draft

(X) Final

ENVIRONMENTAL ASSESSMENT

Department of the Interior, Fish and Wildlife Service

1. TYPE OF ACTION: (X) Administrative () Legislative
2. BRIEF DESCRIPTION OF ACTION: Proposal recommends the closure of approximately 13½ miles of Pea Island National Wildlife Refuge beach to unauthorized motorized vehicle use from May 15 through September 30 each year beginning in 1976.
3. SUMMARY OF ENVIRONMENTAL IMPACT OF PROPOSED ACTION: The proposed action would result in: (1) reduced destruction of shorebirds and sea turtles nests and young, (2) reduced disturbance to feeding and resting beach wildlife, (3) reduced "dune busting" resulting in a more stabilized barrier dune system, (4) reduced conflict between ORV and other beach users, (5) displacement of ORV use to other beaches, and (6) possible minor impact on local seasonal economy.
4. ALTERNATIVES CONSIDERED: (a) No action, (b) Year-round closure, and (c) Summer closure of a portion of the beach.
5. COMMENTS HAVE BEEN REQUESTED FROM THE FOLLOWING AGENCIES:

DEPARTMENT OF THE INTERIOR

National Park Service

Bureau of Outdoor Recreation

ENVIRONMENTAL ASSESSMENT
PROPOSED RESTRICTION OF MOTORIZED VEHICLE USE
ON THE BEACHES OF
PEA ISLAND NATIONAL WILDLIFE REFUGE, NORTH CAROLINA

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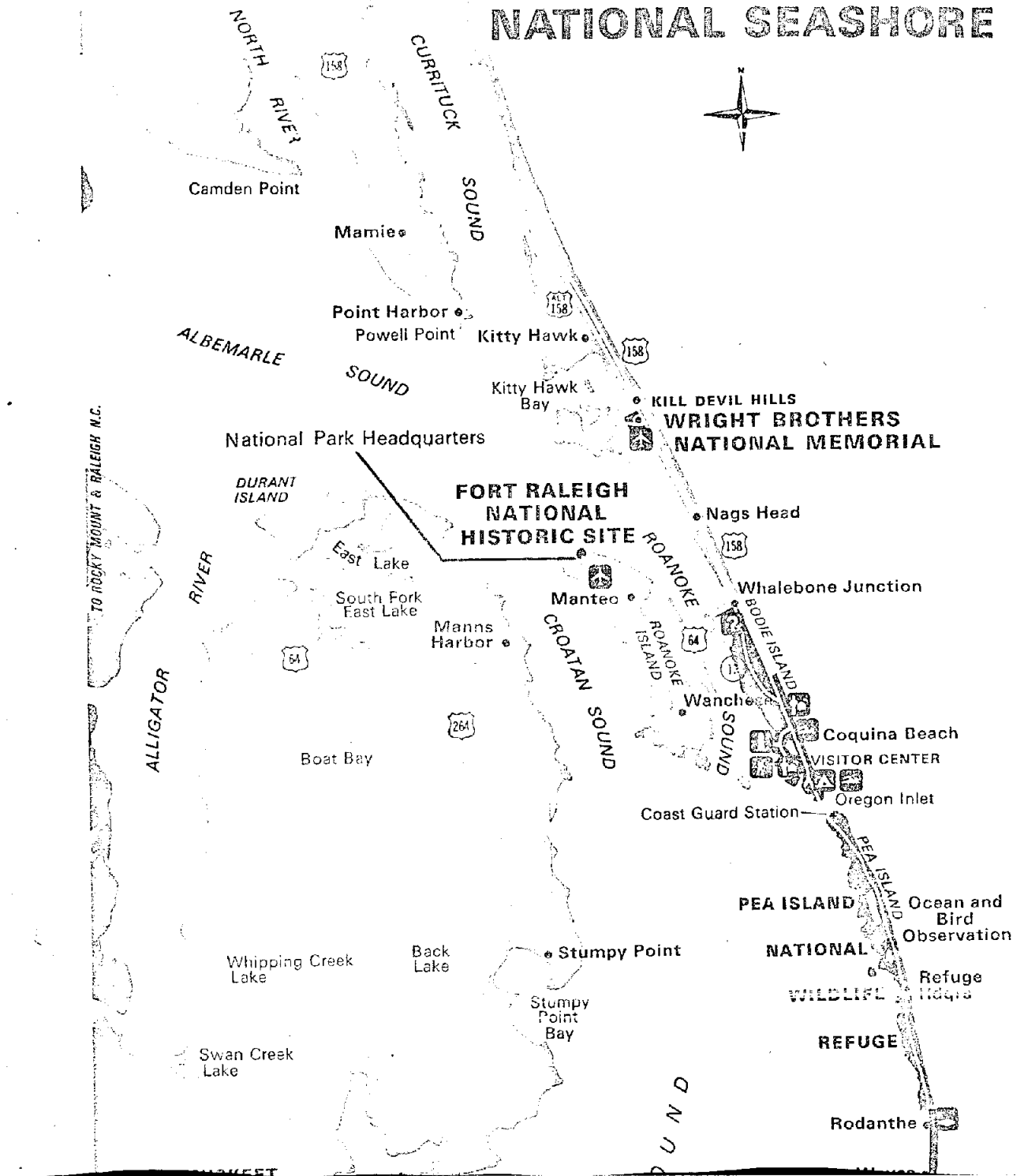
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CAPE HATTERAS NATIONAL SEASHORE



NATIONAL SEASHORE • NORTH CAROLINA

ATTENTION FISHERMEN:

The congressional law creating Cape Hatteras National Seashore protects the right of local, commercial, net fishermen to pursue their livelihood from the beaches within the park. At the same time, this national seashore was set aside to provide high-quality recreational experiences for all people, and sports fishing and fishermen are considered highly appropriate.

It is the sincere wish of the National Park Service that both groups use this resource harmoniously, cooperatively, and with respect for each other as well as for all park visitors.

INFORMATION

You can obtain information at National Park Service headquarters at Fort Raleigh and during the summer season at visitor centers near Bodie Island Lighthouse, Cape Hatteras Lighthouse, and the village of Ocracoke.

**National Park Service
U.S. DEPARTMENT OF THE INTERIOR**

main elements of the Hatteras story have been



ACCOMMODATIONS

Meals, lodging, groceries, camping supplies, and gasoline are available in the villages on Hatteras and Ocracoke Islands, in the resorts just north of the national seashore, and on Roanoke Island and the adjacent mainland. Prices are lower after September.

A hard-surfaced road runs the length of the national seashore, except at Hatteras Inlet where a free ferry, operating in daylight hours, connects Hatteras and Ocracoke Islands. A toll ferry runs between Ocracoke and Cedar Island where a road connects with the mainland. Schedules of both ferries are subject to change, so inquire locally.

ADMINISTRATION

Cape Hatteras National Seashore is administered by the National Park Service, U.S. Department of the Interior. A superintendent, whose address is Box 457, Manteo, NC 27954, is in immediate charge.

As the Nation's principal conservation agency, the Department of the Interior has basic responsibilities for water, fish, wildlife, mineral, land, park, and recreational resources. Indian and Territorial affairs are other major concerns of America's "Department of Natural Resources." The Department works to assure the wisest choice in managing all our resources so each will make its full contribution to a better United States—now and in the future.

From Whalebone Junction southward and southwestward to Ocracoke Inlet, Cape Hatteras National Seashore preserves 45 square miles of beach land. It is divided into four sections: Bodie, Hatteras, and Ocracoke Islands and Pea Island National Wildlife Refuge. Pea Island formerly was separated from Hatteras Island by New Inlet.

Eight villages are within the natural boundaries of the park. They are excluded from the national seashore with room around them for expansion as tourist centers. Congressional legislation restricts development within the national seashore to those parts especially suitable for recreational use and sets aside the remainder to preserve the plant and animal life and the shoreline.

PIONEERS, PIRATES, AND SEAMEN

In 1585, Roanoke Island was the scene of the short-lived first English settlement in the New World, and in 1903, on the sand flat at the base of Kill Devil Hill, the Wright brothers made the first successful flight in a powered airplane. These events, commemorated in National Park System areas near the national seashore, are just part of the diverse history of this land off the North Carolina coast.

In colonial times, Virginia and Maryland families of British descent settled these isolated sand banks. They were attracted by opportunities for raising stock on the land, but many of them soon turned to the water for a living. Since then, the main elements of the Hatteras story have been shipwrecks, pirates, lighthouses, the Life-Saving Service and its successor, the Coast Guard.

Storms and vandals have carried away most of the remains of wrecked ships, but bits still remain partly buried in the sands or submerged in the water. Blackbeard, the most notorious of the pirates on this coast, was killed near Ocracoke Island in 1718. The present Cape Hatteras Lighthouse, the third in the vicinity, was built in 1870, and is the only one open to the public. A few modern Coast Guard stations carry on the vigilance which saved many lives on this dangerous coast in past decades, including action in two World Wars.

FOR YOUR ENJOYMENT

On this long strip of barrier islands, the sea, the winds, and the land have contended for many human lifetimes, reshaping shore and landscape in a pattern of never-ending change.

Recreational activities at the national seashore include beachcombing, surf bathing, boating, sailing, fishing, history and nature study, bird watching, attending interpretive programs in summer, photography, watching the ocean surf, and simply loafing on the beach.

Wildflowers grow profusely in the humid climate

kinds of vegetation on the Outer Banks include the mixed shrubbery of yaupon, bayberry, silverling, and gallberry, and the live oak and loblolly pine in locations like the Buxton Woods. The marsh grasses and the beach grasses used in dune stabilization interest many.

More than 300 species of birds have been recorded in Cape Hatteras National Seashore. Snow geese winter here and on Pea Island National Wildlife Refuge, as do Canada geese and all species of ducks of the North Carolina coast. Large numbers of whistling swans spend the winter on the ponds.

The waters around this national seashore provide a wide variety of sport and commercial fishing. With "fisherman's luck," which prevails here as elsewhere, in season you can catch channel bass, bluefish, marlin, dolphin, mackerel, tuna, and others. Congressional legislation protects the right of local, commercial, net fishermen to pursue their occupation from the park beaches.

FOR YOUR PROTECTION

When you cross the barrier dune to the sand beaches, be sure to walk—never drive—across. Park your car only in designated parking areas to avoid getting stuck in the soft sands of the road shoulder and general area. Ramps are provided only for vehicles properly equipped to drive on the soft sand.

Camp only at designated campgrounds. Tent campers should have long tent stakes for proper holding in sand. Awnings for shade and netting for insect protection will make camping more enjoyable.

Strong currents, rip tides, and shifting sand bars becoming particularly dangerous during periods of heavy seas. Tidal currents are very strong near inlets. Offshore waves can blow boats and other floating devices out to sea.

Swim only where lifeguards are on duty. Swimming in the ocean is not like swimming in a pool, river, or lake. If this is your first ocean visit, please contact a lifeguard or ranger for further information.

Boats should stay in the relatively calm water of ponds and avoid the inlets and ocean.

Lightweight clothing in summer should be adequate to protect you from the sun and cool evening breezes. High humidity and northerly winds make winter weather seem much colder than temperatures indicate. Warm, wind-resistant garments are needed. Hurricanes occur infrequently, usually in August or September; you should be warned in time to leave low-lying places.

PEA ISLAND NATIONAL WILDLIFE REFUGE

DARE COUNTY, NORTH CAROLINA

UNITED STATES
FISH AND WILDLIFE SERVICE

UNITED STATES
DEPARTMENT OF THE INTERIOR

75°35'

75°30'

35°45'

35°45'

35°40'

35°40'

LEGEND

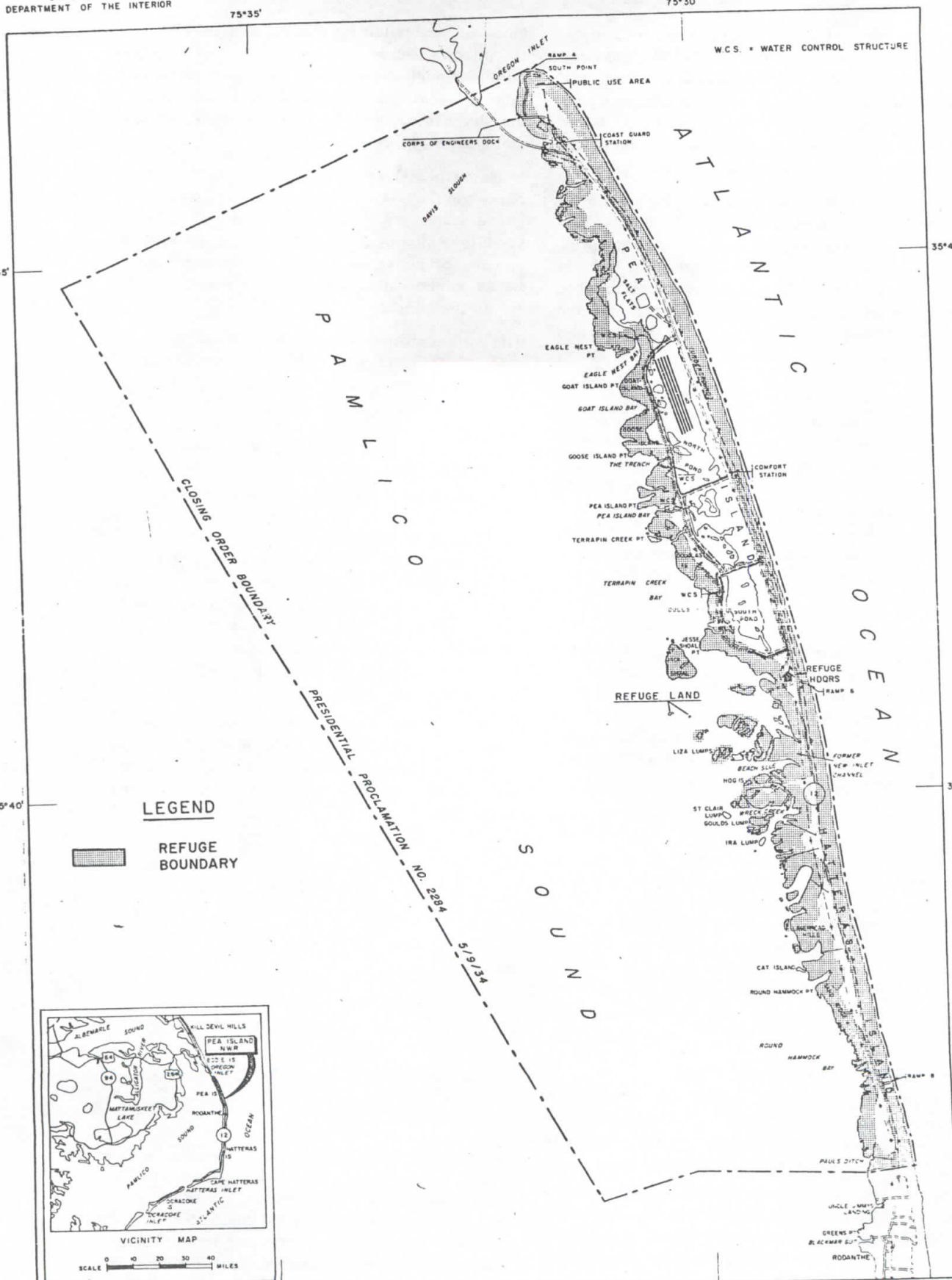
REFUGE
BOUNDARY



SCALE 0 10 20 30 40 MILES

75°35'

75°30'



ENVIRONMENTAL ASSESSMENT
PROPOSED RESTRICTION OF MOTORIZED VEHICLE USE
ON THE BEACHES OF
PEA ISLAND NATIONAL WILDLIFE REFUGE
NORTH CAROLINA

I. DESCRIPTION OF THE PROPOSED ACTION

The U. S. Fish and Wildlife Service proposes to close approximately 13.5 miles of beach at the Pea Island National Wildlife Refuge to unauthorized motor vehicles during the period from May 15 through September 30 annually for the purpose of reducing disturbance to beach nesting birds, avoiding destruction of loggerhead sea turtle nests, reducing damage to barrier dunes and reducing conflicts with other recreational uses.

In order to initiate the proposed action, the U. S. Fish and Wildlife Service will publish in the Federal Register the following notice relating to special regulations for controlling off-road vehicles on Pea Island National Wildlife Refuge.

DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service

(50 CFR Part 26)

Notice of Proposed Rulemaking

Use of Off-Road Vehicles on Public Lands

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the National

PEA ISLAND NATIONAL WILDLIFE REFUGE

MAP #3

DARE COUNTY, NORTH CAROLINA

UNITED STATES
FISH AND WILDLIFE SERVICE

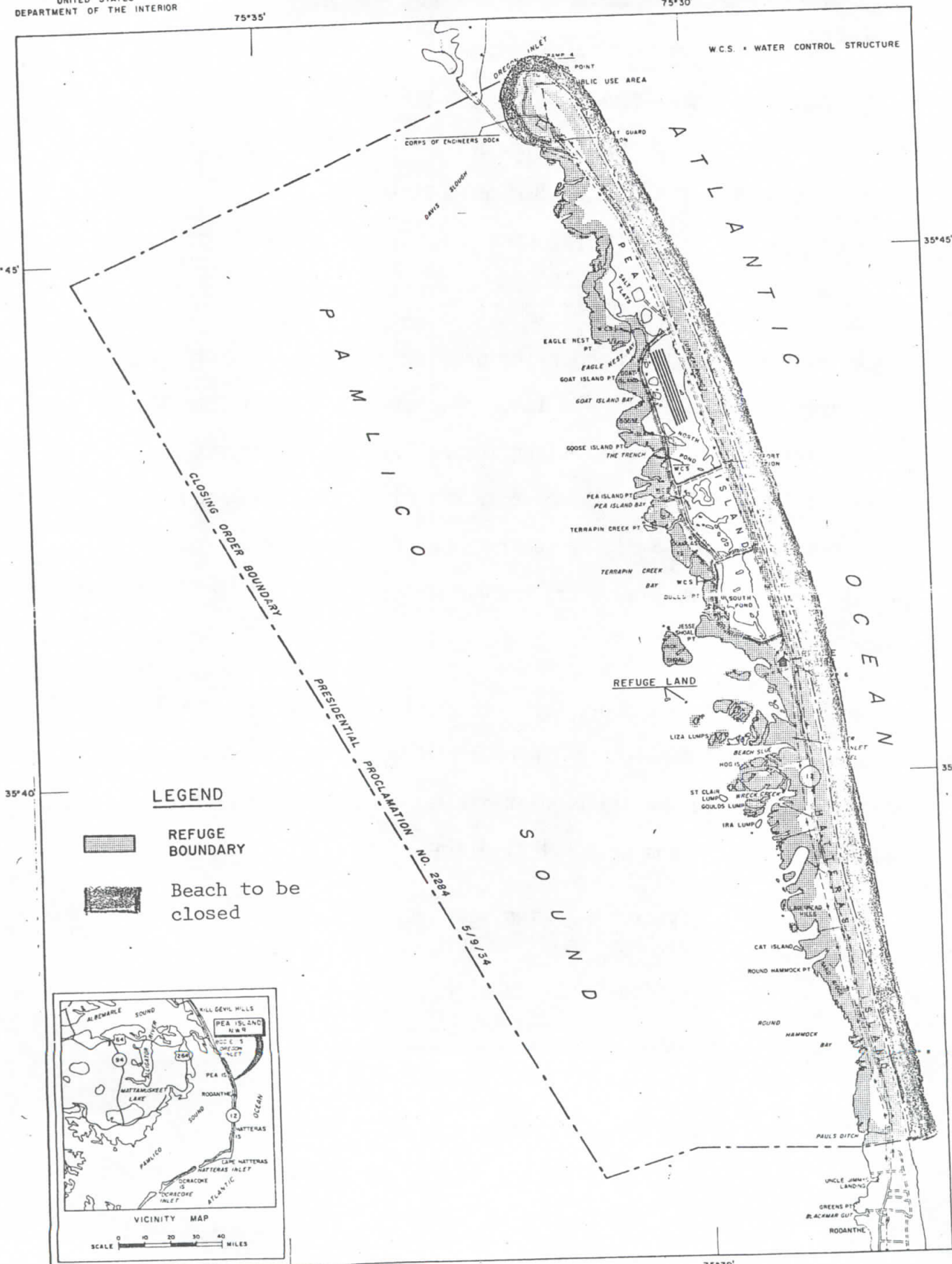
UNITED STATES
DEPARTMENT OF THE INTERIOR

75°35'

75°30'

35°45'

35°45'



75°35'

75°30'

35°40'

Wildlife Refuge System Administration Act of 1966
(30 Stat. 927 as amended; 16 U.S.C. 668 dd), as
delegated to the Director, Fish and Wildlife Service
by Chapter 2, Part 242 of the Departmental Manual,
it is proposed to issue special regulations under
50 CFR 26 to provide additional needed control over
the use of off-road vehicles on the Pea Island National
Wildlife Refuge, North Carolina.

It has been determined, in accordance with Section 3(a), Zones
of Use, and Section 8, Monitoring of Effects and Review, of
Executive Order 11644, Use of Off-Road Vehicles on the Public
Lands, that special regulations are necessary to supplement the
general regulations contained in 50 CFR 26, in order to minimize
disturbance and destruction of nesting colonies of least terns
and other shorebirds, avoid destruction of loggerhead sea turtle
nests, reduce conflicts with other recreational uses and protect
the fragile barrier dunes.

Accordingly, the following special regulations are proposed:

§ Special regulations; public access, use and recreation;
for individual wildlife refuge areas.

NORTH CAROLINA

PEA ISLAND NATIONAL WILDLIFE REFUGE

The use of off-road vehicles on designated beach
areas within the Pea Island National Wildlife Refuge

is permitted during specified times of the year. Additional information concerning off-road vehicle use may be obtained at the refuge headquarters located south of Oregon Inlet on State Highway 12 or by writing the Refuge Manager, P. O. Box 1026, Manteo, North Carolina 27954 or the Regional Director, U. S. Fish and Wildlife Service, 17 Executive Park Drive, N. E., Atlanta, Georgia 30329. The operation of approved off-road vehicles within the refuge shall be in accordance with all applicable Federal and State laws, subject to the following special conditions:

(1) Use Areas: Off-road vehicles may be used only on that portion of the refuge beach within 150 feet of the waters edge or, if the beach is narrower than 150 feet, only on that portion seaward of the foot (bottom) of the barrier dunes. It will be unlawful to operate a vehicle on the dunes or on other vegetated areas. During periods of extreme high tide, the beach will be closed by signs posted at cross-over ramps.

(2) Restricted Period: During the period from May 15 through September 30 each year, the entire refuge beach shall be closed to all motorized vehicles except official and emergency vehicles.

(3) Access Points: Off-road vehicles may gain access to the designated beach area during open periods of use only at the three designated dune cross-over ramps.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections, with respect to the proposed regulations to the Director, Fish and Wildlife Service, Washington, D. C. 20240, within a period of 30 days.

Background

Refuge Objectives

The Refuge was established April 8, 1938 by Executive Order 7864, primarily as a wintering area for greater snow geese and other waterfowl. Refuge objectives also include management of refuge lands for a full spectrum of wildlife common to the area, provision of habitat and protection for threatened and endangered species and provision of high quality fish and wildlife oriented recreation which is compatible with fish and wildlife objectives. Quantified detailed objectives for the refuge are contained in the Pea Island National Wildlife Refuge Objectives Statement dated 1971 and amended periodically to reflect Service priorities.

Policies

Fish and Wildlife Service policy concerning recreational uses that are not fish and wildlife oriented (such as water skiing, off-road vehicling, swimming, boating, camping, and picnicking) is that such uses must be adequately funded and they must not conflict with the area's primary objectives.

The House Appropriations Committee on Department of Interior and Related Agencies has directed the Service ". . . to continue to provide adequate recreation use where it is not inconsistent with wildlife protection."

Detailed Service policies affecting the refuge are contained in current Program Advice documents and the Region 4 Annual Work Plan Advice.

Authority

Pea Island National Wildlife Refuge was established under authority of the Migratory Bird Conservation Act (45 Stat. 1222) and is administered under the National Wildlife Refuge System Administration Act of 1966 (30 Stat. 927 as amended).

Executive Order 11644, Use of Off-Road Vehicles on the Public Lands was signed into law by President Richard Nixon on February 8, 1972 (Appendix A). The Executive Order furthered the purpose and policy of the National Environmental Policy Act of 1969 (42 U.S.C. 4321). The purpose of this order is to establish policies and provide for procedures that will ensure that the use of off-road vehicles on public lands will be controlled and directed so as to protect the resources of those lands, to promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands. The proposed action is intended to comply with the directives contained in Executive Order 11644.

Interrelationship with National Seashore

The Migratory Bird Conservation Commission approved the purchase of lands for Pea Island National Wildlife Refuge August 20, 1935. Lands were purchased beginning in 1937, and the refuge was formally activated on April 8, 1938.

The Enabling Act of 1937 authorized the establishment of the Cape Hatteras National Seashore. The Act identified the Refuge and made it a part of the Seashore, to be managed as a wildlife refuge. Land acquisition for the Seashore began in the 1950's and it was activated in 1953. A Memorandum of Agreement between the Fish and Wildlife Service and the National Park Service relating to administration of the Pea Island National Wildlife Refuge portion of the Seashore provides for the Fish and Wildlife Service to administer the wildlife protection and management programs. The National Park Service is responsible for certain recreational activities and facilities that are compatible with the primary mission Refuge programs. The National Park Service is also responsible for constructing and maintaining the protective dune system for the entire Seashore.

History of the Problem

In the early years access to the Refuge was by ferry across Oregon Inlet and public use was very light. In 1952, the last link of a hard surface road on the Outer Banks was completed when the 13.5 mile section from Rodanthe to Oregon Inlet was paved. Traffic

f adjacent waters in Pamlico Sound
g, capturing, and killing of migr
roclamation No. 2284.

hes, high sand dunes, and grassla
he forces associated with wind an
aintain this environment, while th
he shifting sands. The marshes a
s contribute to the productivity o
onds of varying salinities are fou

Climate

s a maritime climate with an avera
grees and a normal yearly rainfall
rainfall is to a large extent due
in connection with offshore storm
the winter and summer, with sprin
light. Snowfall is rare; and when
nt, if often melts as it falls. H
at inland points in North Carolin
an the mainland with a 90 degree t

ving up the Atlantic Coast occasio
miles of the Refuge, causing high
e island. The vegetation of the a
quent gales. Two general categori
aks region of North Carolina: trop
atropical storms (commonly calle

through the Refuge increased by 600% the first ye
completion. Still the amount of traffic was cons
and the number of beach vehicles small. Although
vehicles were becoming more popular and easier to
were used on the Pea Island beaches and there was
adverse impact on the beach using wildlife and th
With the activation of Cape Hatteras National Se
traffic increased rapidly as recreation activiti
were developed by the National Park Service.

In 1963, the State of North Carolina constructed
Oregon Inlet to replace the ferry. The Refuge w
isolated. Easy access, the booming economy of t
early 70's, and the increased popularity and ava
4-wheel drive vehicle, resulted in increased put
ularly the use of off-road vehicles (ORV) on the
significant increase in ORV use resulted in incr
to nesting, feeding and resting wildlife, conf
recreation and education oriented beach users,
to the barrier dune system.

II. DESCRIPTION OF THE ENVIRONMENT

Pea Island National Wildlife Refuge is located
island lying between the Atlantic Ocean and Pam
Outer Banks of North Carolina. The Refuge is c
acres of barrier sand dunes, ocean beaches, sal
sand ridges, fresh water ponds, tidal creeks an

On the average a hurricane strikes the North Carolina coast once every two years. Of the hurricanes which have struck the Outer Banks since 1900, over three-fourths have occurred during the months of August and September. An average of 34 extratropical storms hit the Outer Banks each year.

Geomorphology

In general aspect, the barrier islands are long, narrow islands standing only a few feet above sea level. Pea Island varies in width from 1/4 to 1-1/4 miles and is separated from the mainland by a shallow sound almost 28 miles wide.

The beach on the ocean side of the Refuge is bordered by an almost continuous ridge of sand, the crest of which stands as much as 20 feet above sea level. This ridge, which serves to prevent overwash of the banks from the ocean during storms, is partly of natural origin, having been formed by storm waves and wind, and partly manmade. West of the beach ridge, the island generally consists of sand flats up to a thousand feet wide that slope gently toward the sounds. The elevation of these flats ranges from about 3 or 4 feet to about 10 feet above sea level. Along the sound the islands are bordered almost continuously by salt marshes. The marshes and the sand flats are subject to periodic storm surge overwash from the sound, particularly those areas standing less than 5 feet above mean sea level. Scattered along the banks, and particularly adjacent to the salt marshes, are isolated, irregular sand ridges, some of which reach altitudes up to 10 feet.

Pea Island, now part of Hatteras Island, is part of "The Coastal Plain" which comprises the low and partially submerged area confined between the Piedmont Plateau on the west and Continental Shelf on the east.

A series of marine deposits originating from several cycles of uplift and submergence were laid upon the ancient rocks of the area. The source of these materials was probably adjacent portions of the Piedmont Plateau.

The fluctuations in sea level can be correlated with the Pleistocene glacial and interglacial stages during which great quantities of water were alternately withdrawn and returned to the ocean by the freezing and melting of the continental icecap. This development is still going on, and at present sea level is rising.

Along the emergent coast of North Carolina with its gentle sloping shore covered by Pleistocene sand, barrier beaches have been formed under the action of waves and currents in geologically recent time. These islands were formed during the post-Wisconsin rise in sea level some 5,000 years ago and are a complex deposit of sand, perhaps as thick as 50 feet in places, resting on the older Pamlico Terrace surface.

Soils

The sediments composing the Outer Banks were deposited in a marine or near-marine environment. Sand is the dominant sediment composing the barrier islands and is the chief aquifer-forming

material. Less permeable silt and clay, which act as confining beds, are generally interlayered between sand beds. Silt and clay may also be mixed with the sand forming a heterogeneous bed of low permeability. The sand is generally of medium size, with medium diameters varying between about 0.3mm and 0.5mm. Shell content is usually less than 5 percent.

The soil materials appear to be composed mainly of sand-sized mineral particles admixed with sea shells and shell fragments in various stages of decomposition. The unconsolidated mineral particles are mixed also with small quantities of organic debris originating either from life in the ocean or from plant and animal remnants on the land. The specific composition of these materials varies markedly from place to place and among deposition strata. The profiles of the Outer Banks land areas are diverse. The soil profile features, however, are largely the result of deposition.

The soil materials comprising the surface beach layers are without visible genetic profile development. The upper sand layers have been continuously disturbed by wind and wave action, allowing little time for the soil-forming processes to develop genetic horizons. Some of the deposits are actually only a few days to several months old. Fertility of the Outer Banks soils is low.

The beach materials, however, exhibit typical deposition strata. A typical dune profile at the ocean side of the islands consists of a top layer of grayish wind-transported fine sand, underlain with some strata high in finely polished shell fragments. Beneath the shell strata another layer of sand is often found which is of a more yellowish color and of coarser texture than the aeolian deposits.

In areas inland from the ocean front, or which at some time had been inland, peat deposits have been formed and occupy the surface part of the soil profile. Tides and wave action are much less severe on the sound coasts than on the ocean surf.

Hydrology

The fresh ground-water reservoir in the area consists of a water-table aquifer which extends from the land surface to the first confining beds of silt and clay, and confined or semi-confined aquifers ranging in thickness from 10 to 50 feet and averaging about 15 feet. The water table itself averages about 3 feet above mean sea level along the narrow parts of the seashore, and is as high as 10 feet above mean sea level at Cape Hatteras.

Rainfall is responsible for the occurrence and maintenance of a fresh ground-water reservoir on the Outer Banks, and most of it is absorbed directly into the water-table aquifer with little or no surface runoff. Although, after the ground has become saturated during very heavy rainstorms, some runoff can be detected

in roadside ditches and in drainage canals. A small amount of fresh water occurs in a few ponds at Cape Hatteras where the water table stands above land surface in depressions; however, these usually disappear during dry periods.

The deeper confined aquifers are as much as 30 feet thick and extend below the first confining beds whose thickness ranges from about 5 to 20 feet. Exact limits of confined aquifers are difficult to define because of the gradational nature of the sediments below the water-table aquifer.

The size of the fresh water lens is continually varying, depending on the rate of recharge entering the lens and the rate of discharge from it. At the boundary between the fresh and salty water, a zone of brackish water occurs due to the mixing effect of the fresh water circulation and the tides in the adjoining ocean and sound.

Movement of fresh ground water through the system is downward and outward from the central part of the island toward the ocean and the sounds at an average rate of about one foot per day. The confining beds of silt and clay underlying the water-table aquifer generally restrict the major part of the circulation of fresh water to this aquifer. However, in the higher and wider island areas, such as at Cape Hatteras and the southern part of Bodie Island, there is sufficient head to enable fresh water to circulate through the confining beds into the deeper confined aquifers. The maximum depth to which fresh water occurs along the seashore is about 120

feet below land surface in the central part of the island at Cape Hatteras. Below this depth the confined aquifer grades into silt and clay, restricting deeper circulation of fresh water.

Wildlife and Habitat

Pea Island is a midpoint in the Atlantic Flyway and is a much used and valuable feeding and resting area for numerous species of wintering waterfowl. Thousands of snow and Canada geese, whistling swans, coots, and more than 25 species of ducks winter on the refuge. In addition to waterfowl, large numbers of shorebirds, gulls, terns, ibises, hawks, owls and numerous species of passerine birds may be seen. The refuge also provides habitat for the endangered peregrine falcon and the brown pelican in addition to animals such as otter, mink, and nutria.

During the summer, another group of birds--royal terns, least terns, black skimmers, willets, black-necked stilts, laughing gulls, and others--are seen in smaller breeding populations. Many wading birds such as glossy ibises, snowy and great egrets, little blue, Louisiana, green and black-crowned night herons, American avocets, black-necked stilts and others are also present. Because of the refuge's location, an interesting variety of song birds are present throughout the year. There are some 265 species of birds that visit the refuge regularly with an additional 50 species of birds that are considered accidental visitors.

There are four major ecological zones on a typical barrier island in this region. These include the beach, dunes, sandflats, and tidal marshes. In addition, on several areas shrub thickets and maritime forests are developed.

The active beach occupies that portion of the island between the low- and high-tide zone. Because of the shifting substrate, the beach zone is usually devoid of plantlife. The intratidal zone is the habitat of several species of crabs and mollusks as well as the feeding and resting zone for numerous species of shore birds.

Extending inland from the active beach to the dune line is the ridge of ocean deposition known as the berm, a zone continually worked by storm tides. Dead seaweed, blown onto the berm by winds or deposited by overwashing waters, is important in forming a seedbed for plant species such as sea rocket, seaside spurge, cordgrass, and sea oats which germinate on the berm. Several species of birds, primarily terns, skimmers and oyster catchers, use the berm zone for nesting sites.

The dune area begins a variable distance back from the beach, and forms ridges parallel to the beach, protecting the land behind the dunes. The dunes serve as a nesting site for birds such as the seaside sparrow and mourning dove. Because of the very hot, dry habitat, amphibians are scarce; however, insects such as ants, ant lions, grasshoppers, spiders and dipteran pests are important links in the system. Normally beach build-up occurs

during the summer and fall months. Heaviest erosion occurs during the winter and early spring months associated with a northeaster.

The grasslands are located behind the dunes and are usually at a lower elevation than the dunes where the water table is close to the surface. The vegetation consists primarily of grasses and sedges with occasional shrubs. The grasslands are only occasionally flooded by tidal water. Either high spring tides or wind tides may flood from the soundside, while storm surge may cause flooding from the oceanside. Thus, most plant species which occur here are able to survive short periods of salt water flooding. The grasslands are bounded on the soundside by either shrub or high marsh vegetation, depending upon the frequency of salt water flooding and elevation. When the elevation behind the grasslands is lower, marsh vegetation will be present, but where the area is higher and further back from the ocean, a dense shrub zone may occur.

The grasslands are important to birds not only for feeding but also for nesting. Meadowlarks, sparrows, willets, and mourning doves often nest in the dense grasslands of the seashore. Barn swallows, marsh hawks, and nighthawks utilize the grassland for food.

Where the grasslands have been stabilized for a lengthy period of time, shrub species usually invade. Eventually, these areas may form a dense thicket of shrubs, or, if the area colonized by the shrubs is more than a meter above sea level, the climax maritime forest may develop.

In the dense shrub thickets, the ground is nearly barren of herbaceous vegetation due to the lack of light penetration through the dense canopy. Within the more open thickets, grassland vegetation or black needlerush marsh is interspersed among the shrub patches.

On higher elevations, where salt-water flooding is absent, and where salt spray is minimal due to the distance from the ocean or protection by high dunes, the maritime forest may occur. The forest is in the climax of the successional process and is the stage following the shrub thicket. The maritime forest is composed of tree species which are relatively resistant to salt spray. However, those not protected from salty winds do suffer some damage as exhibited by their contorted shapes. Live oak is the dominant tree as it is one of the most salt-spray resistant species along the seashore. Maritime forest does not occur within the refuge.

Marshes are found on the soundsides of the islands. The rise and fall of the tides with the resulting submergence and exposure of

the vegetation is the primary factor determining the distribution of species in these marshes.

Their extent and productivity depend upon the tidal influence and salinity in the waters they adjoin. Lunar tides do not produce as great an influx here as on most east coast salt marshes. Wind tides, however, do frequently occur driving water into the marshes.

Of the 47 species of mammals that occur in the lower coastal plain of North Carolina, 17 of these plus the feral house cat are recorded for Pea Island Refuge. The land mammals do not play an important role in the energy flow within the biotic communities of the seashore and are not of great economic importance. There are 16 species of reptiles recorded for the Refuge. The marine turtles listed are all migratory with only the loggerhead present in winter. There are relatively few permanent fresh water habitats within the Refuge which produce a correspondingly small amount of amphibian species, (5).

There are no known endangered plant species in the Refuge area. There are four faunal species which are on the threatened or endangered species list: Brown pelican, Atlantic Ridley sea turtle, bald eagle, and peregrine falcon. The loggerhead sea turtle is currently being considered for threatened status.

Since the refuge was established, much development work has been undertaken to stabilize the dunes. Dikes have been built to

provide both fresh and brackish water ponds and marshes for food production. Green browse for Canada and snow geese is provided by controlled burning and yearly plantings of approximately 50 acres of ryegrass.

The impounded areas, with rain as the only source of water, have produced an abundance of food plants such as sago pondweed, widgeongrass, bulrush and spikerush. These ponds remain relatively fresh throughout the year, making the refuge attractive to a great number of waterfowl.

Air Quality

The primary source of air pollution within the Refuge originates from the automobile exhausts of the close to 1.25 million annual visitors. No major industries which have associated air pollution problems are located in or near the seashore.

Aesthetics

The Outer Banks of North Carolina, designated as America's first national seashore, have an abundant share of unspoiled aesthetic landscapes. These landscapes have caught the eyes and ears not only of the artist and poet but also of the millions of visitors the area has had since its inception. The natural vista of surf, sun, sand, sound, and dune combined with the wind blowing through the sea oats, the graceful flight of the laughing gulls and terns, and large flocks of wintering waterfowl and shore birds, shipwrecks and hurricanes make for a place containing diverse aesthetic values.

Noise

Wind and waves are major sources of noise within the Refuge, both of natural origin, and to many people they represent amenities of the area. Occasional sonic booms are heard in the area from military aircraft from Norfolk, Virginia or Cherry Point, North Carolina. Automobiles are another main source of noise along the seashore, primarily from heavy highway use, but also from ORV use.

Historical and Archeological Features

The old Oregon Inlet Coast Guard Station was recently nominated by archeologists from the State of North Carolina for listing in the National Register of Historic Places. The old Pea Island Coast Guard Station buildings, which would be historically significant according to present selection criteria, were sold in 1966 and removed from the area. One of them is now located just south of the refuge boundary at Rodanthe, North Carolina--the other is located in Salvo, North Carolina.

Socioeconomic Environment

There are no villages or towns located within the Refuge; however, there are a number on the Outer Banks including Rodanthe, just south of the Refuge boundary, and Waves, Salvo, Avon, Buxton, Frisco, Hatteras and Ocracoke to the south. To the north are Whalebone Junction, Nags Head, Kill Devil Hills and Kitty Hawk. Manteo, on nearby Roanoke Island, is the county seat and largest town near the Refuge.

The economy of the Outer Banks is based primarily on the tourist industry and commercial fishshing.

Public Use

Refuge visitation has increased drastically in the last few years. In 1962, 16,000 people visited Pea Island. Completion of the Herbert C. Bonner Bridge connecting Hatteras Island (Pea Island) with Bodie Island resulted in a rapid increase in the number of visitors. In 1975, the total had risen to 1,252,184 visits. (see Table 1).

Table 1. Annual Visits to Pea Island NWR by Activity

<u>Activity</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1975</u>
Self-Guided Trails	2,399	3,427	5,567	3,373	8,715
Education	25	57	138	36	149
Fishing--Salt Water	116,988	147,239	141,391	129,148	102,996
Fishing--Clams, Crabs, Oysters	1,169	1,261	1,122	1,179	1,296
Other Consumptive Uses (Shelling)	23,397	39,705	16,346	20,184	18,143
Wildlife Observation--Foot	5,849	9,424	9,493	7,635	11,420
Wildlife Observation--Auto	292,472	368,818	288,372	295,499	325,198
Wildlands Appreciation--Foot	11,698	43,906	22,182	11,817	13,002
Wildlands Appreciation--Auto	467,955	587,076	462,679	472,798	520,304
Photography	136	229	470	134	70
Camping	2,200	2,859	3,442	5,099	5,900
Picnicking	2,705	3,172	1,156	3,731	5,372
Swimming	19,041	20,620	24,846	24,017	25,271
Off-Road Vehicling	16,930	17,368	15,850	26,400	18,275
Other	<u>175,483</u>	<u>140,405</u>	<u>177,280</u>	<u>177,296</u>	<u>195,073</u>
TOTALS	1,138,447	1,387,566	1,170,334	1,178,346	1,252,184

The number of visitors to Pea Island varies considerably during the year primarily because of seasonal changes and the normal summer vacation period. In February of 1975 there were only 17,882 visitors whereas in August the number increased to over 218,407 (see Table 2).

In 1975 the number of visitors using the beaches for various recreational pursuits ranged from a low of 1,483 in March to a high of 28,489 in August. Approximately 1,600 motorized vehicles (ORV's) used the refuge beach during the proposed closed period-- (May 15 through September 30 each year). (see Table 3).

Probable Future Environment Without the Proposal

Without the proposal, it is reasonable to assume that off-road vehicles will continue to use the refuge beach in greater numbers annually. The success of nesting sea turtles and shore birds, gulls and terns would be expected to decrease. Damage to barrier dunes would be expected to increase, as would conflicts with other beach visitors.

Table 2. Monthly Visits to Pea Island NWR by Activity for 1975

Activity	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
Self-Guided Trails	40	32	73	90	234	348	449	464	192	3,326	2,742	725
Education	0	30	37	0	0	44	1	0	0	0	35	0
Fishing--Salt Water	2,048	1,610	170	7,200	8,500	10,000	10,000	15,000	14,500	16,633	13,710	3,625
Fishing--Clams, Crabs, Oysters	20	16	36	45	115	174	224	232	95	166	137	36
Other Consumptive Uses (Shelling)	204	161	369	450	2,304	3,486	4,490	2,324	959	1,663	1,371	362
Wildlife Observation--Foot	204	161	369	225	576	871	1,124	1,162	479	3,326	2,742	181
Wildlife Observation--Auto	5,121	4,026	9,245	11,268	28,807	43,573	56,125	58,113	23,998	41,583	34,276	9,063
Wildlands Appreciation--Foot	204	161	369	450	1,152	1,742	2,245	2,324	959	1,663	1,371	362
Wildlands Appreciation--Auto	8,194	6,442	14,776	18,030	46,091	69,717	89,800	92,981	38,397	66,534	54,842	14,500
Photography	3	15	10	3	0	10	5	5	4	3	4	8
Camping	48	276	718	935	596	886	914	436	559	229	101	202
Picnicking	20	16	10	45	115	174	2,245	2,324	90	166	137	30
Swimming	0	0	0	0	3,456	5,228	6,735	6,973	2,879	0	0	0
Off-Road Vehicling	2,790	2,520	180	1,395	800	600	600	1,200	2,100	2,790	2,700	600
Other	3,073	2,415	5,541	6,761	17,284	26,144	33,675	34,875	14,359	24,950	20,566	5,438
TOTALS	21,969	17,881	31,903	46,896	110,030	162,997	208,405	218,405	99,570	163,032	134,734	35,132

Table 3. Monthly Visits to Pea Island NWR Beach Areas by Activity for 1975

Activity	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
Camping	48	276	718	935	596	886	914	436	559	229	101	202
Picnicking	20	16	10	45	115	174	2,245	2,324	90	166	137	30
Swimming	0	0	0	0	3,456	5,228	6,735	6,973	2,879	0	0	0
(Number Vehicles)	(930)	(840)	(60)	(465)	(267)	(200)	(200)	(400)	(700)	(930)	(900)	(200)
Off-Road Vehicling	2,790	2,520	180	1,395	800	600	600	1,200	2,100	2,790	2,700	600
Fishing--Salt Water	2,048	1,610	170	7,200	8,500	10,000	10,000	15,000	14,500	16,633	13,710	3,625
Fishing--Clams, Crabs, Oysters	20	16	36	45	115	174	224	232	95	166	137	36
Other Consumptive Uses--Shelling	204	161	369	450	2,304	3,486	4,490	2,324	959	1,663	1,371	362
TOTALS	5,130	4,599	1,483	10,070	15,886	20,548	35,208	28,489	21,182	21,647	18,156	4,855

III. ENVIRONMENTAL IMPACT OF THE PROPOSED ACTION

Impact on Wildlife

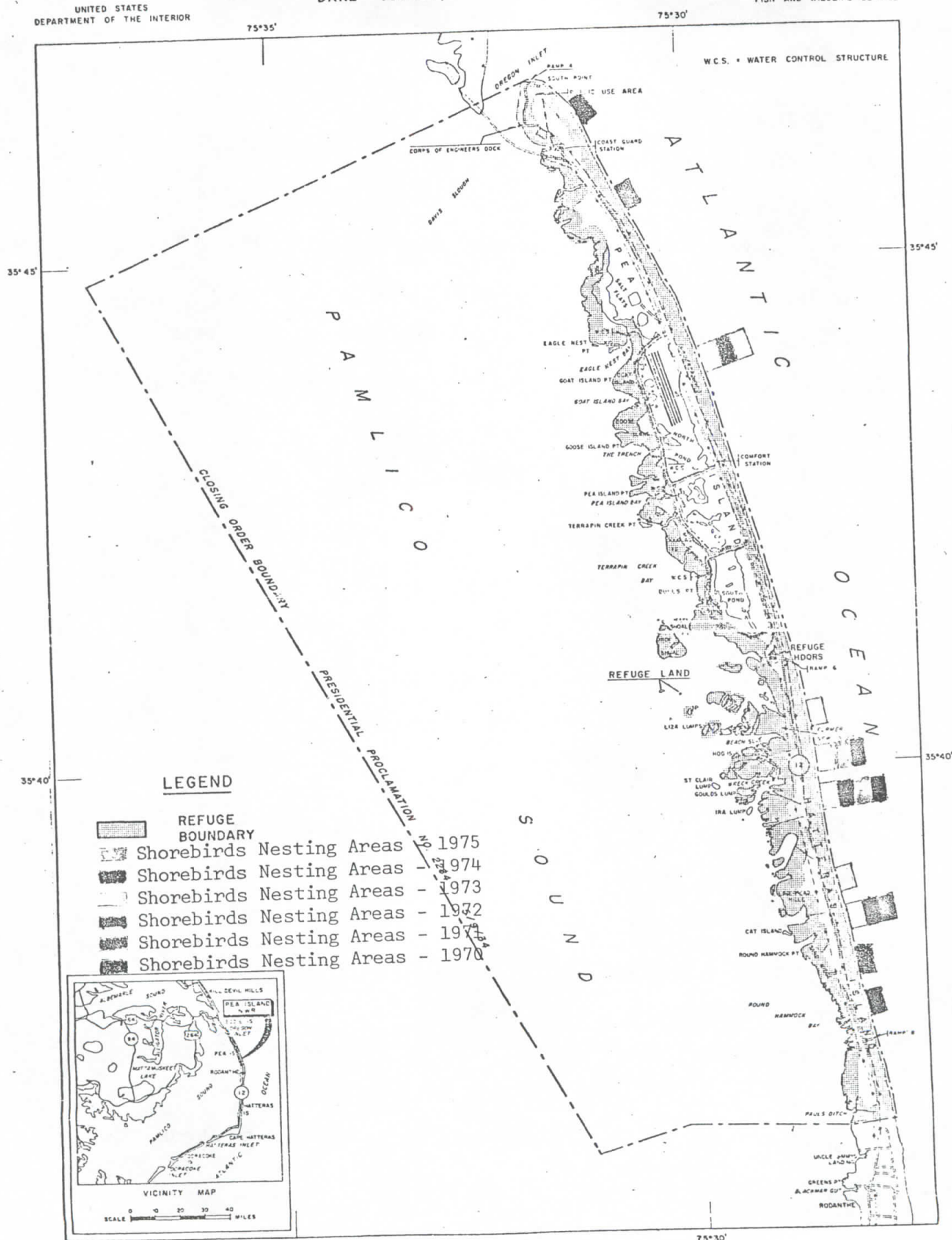
Refuge records show least tern nesting has occurred in up to four colonies on the beach totaling as many as 900 adults. During the last 20 years the number of nests has been as high as 120 in the late 1950's. In recent years the number of adult least terns using the beach area has decreased to approximately 100 to 200--nests have decreased to around 30. (Map #3 shows shore bird nesting areas on the Refuge from 1970 through 1975).

Another important beach-using species on Pea Island is the black skimmer, which peaked at 2,000 in mid-summer 1962, and has averaged 500 during the past 20 years. Skimmers peaked at only 200 in mid-summer 1975. Sandpipers, sanderlings, knots, dunlins, and turnstones peaked at approximately 11,000 in 1957 and averaged 4,300 for the past 20 years. This group has numbered no more than 3,000 for the past six years.

Loggerhead sea turtles have traditionally used Pea Island National Wildlife Refuge beaches for nesting purposes; however, accurate data on crawls and nesting is not available prior to 1970. An egg transplant and hatchling release study was begun in 1972. Since 1970, approximately 66 crawls and 24 natural nests have been found on the Refuge beach. (Map #4 shows the location of loggerhead turtle crawls on Pea Island in 1975). Since 1972, an additional 41 nests have been transplanted from Cape Romain National Wildlife Refuge resulting in 3,090 hatchlings.

DARE COUNTY, NORTH CAROLINA

UNITED STATES
FISH AND WILDLIFE SERVICE



Off-road vehicle traffic on the Refuge beaches disturbs nesting colonies of terns and the loggerhead sea turtle. Occasionally young birds and turtles are killed by vehicles using the beach. Deep vehicle ruts often prevent young turtles from reaching the ocean. Continuous travel adjacent to the nesting colonies causes stress on incubating adults and non-flying young.

In summary, the proposed closure from May 15 through September 30 of the Refuge beach will have the following impacts on wildlife populations:

- (1) Vehicle disturbance of the nests and young of shore birds and turtles will be essentially eliminated.
- (2) Reduced disturbance to 46 species of feeding and resting shore birds and the endangered peregrine falcon which uses the beach area in September while on its southern migration.
- (3) Hatching loggerhead turtles will have easy access to the ocean with the elimination of deep tire furrows.

Impact on Barrier Dunes

The proposal will reduce vehicular intrusion into the barrier dune system during the period May 15 through September 30 annually. Dune vegetation will be protected and erosion will be reduced, resulting in greater protection from storm flooding of island habitats to the west (Pamlico Sound side) of the dune system.

PEA ISLAND NATIONAL WILDLIFE REFUGE

MAP #5

DARE COUNTY, NORTH CAROLINA

UNITED STATES
DEPARTMENT OF THE INTERIOR

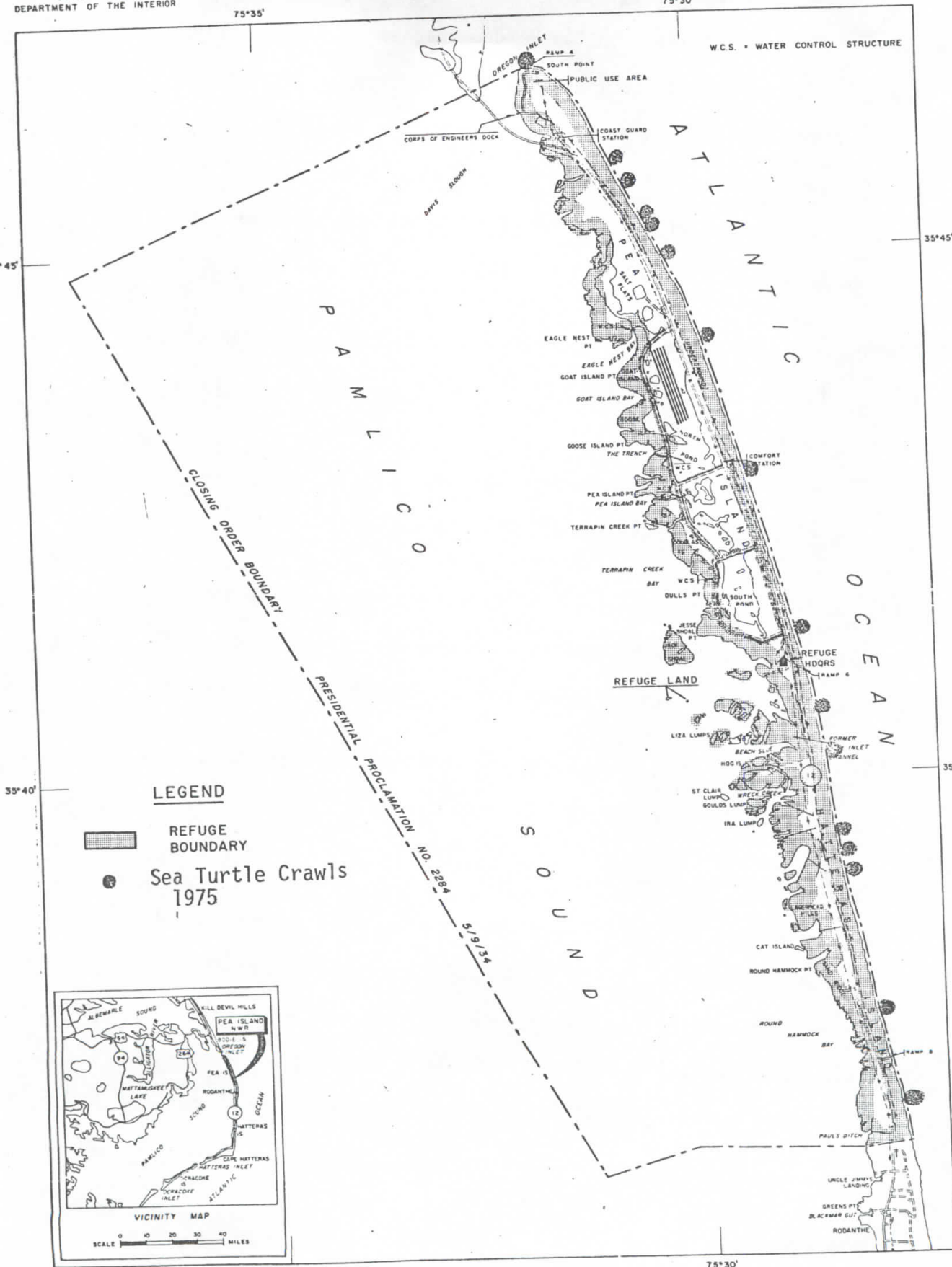
UNITED STATES
FISH AND WILDLIFE SERVICE

75°35'

75°30'

35°45'

35°45'



75°35'

75°30'

8°12'

Impact on Public Use

The proposal will significantly reduce the number of vehicles using the Refuge beach. Total Refuge beach-oriented public use will be reduced by approximately 4,900 visits annually (Table 3). From 200 to 700 vehicle visits per month will be eliminated. (See Tables 2 and 3).

While the Refuge beach represents only about 19% of the total Seashore beach, closure of the Refuge beach, coupled with National Park Service closure of 14.5 miles of their beach during the summer months, represents a loss of 40% of Seashore beach for the off-road vehicle user.

Beach vehicles traditionally using the Refuge during the summer months will be displaced to other areas resulting in possible crowding and inconvenience.

Vehicle-pedestrian conflicts on the beach will be essentially eliminated resulting in a safer, more aesthetically pleasing visit.

Reduced disturbance will benefit those wishing to observe and photograph wildlife on the beach.

Litter on the beach should be reduced resulting in a more pleasing experience for visitors.

Public use of the beach will tend to concentrate at points where dune cross-over facilities are provided.

Persons desiring solitude and willing to do the necessary walking will be reasonably assured that they will be able to get away from crowded areas and will not be disturbed by vehicles.

Surf fishermen who rely upon beach vehicles to carry their equipment and gain rapid access to favored sites will be inconvenienced and may choose to fish elsewhere.

Impact on Aesthetic, Historical and Archeological Values

The elimination of vehicular traffic will significantly improve the natural beauty of the beach area. A deeply rutted beach will become a smooth, natural area more pleasant to look at and much easier to walk on.

There are no historical or archeological sites that will be affected by the proposed action.

Impact on the Economy

The proposed action is not expected to have an adverse impact on the economy of the local area. Although Refuge public use will be reduced by about 4,900 visits, this use is expected to shift to other beaches on the Outer Banks, resulting in little if any effect on the economy.

IV. MITIGATING MEASURES INCLUDED IN THE PROPOSED ACTION

In order to maintain an optimum level of public use, the Fish and Wildlife Service and National Park Service will jointly

develop plans for vehicle parking areas to be located adjacent to State Highway 12. These additional parking areas, along with needed walkways and dune cross-overs, will be constructed as soon as the necessary funds become available. Some destruction of vegetation and aesthetics will result from facility construction.

V. UNAVOIDABLE ADVERSE IMPACTS

Off-road vehicle enthusiasts will be forced to seek other beaches which may be more crowded because of the proposed action.

Surf-fishermen traditionally using beach vehicles will have more difficulty reaching certain favored sites and carrying equipment.

Mitigating measures (new parking and dune walk-over facilities) will destroy some vegetation and will be aesthetically displeasing.

VI. RELATIONSHIP BETWEEN LOCAL SHORT-TERM USE OF MAN'S ENVIRONMENT AND THE MAINTENANCE AND ENHANCEMENT OF LONG-TERM PRODUCTIVITY

Continued short-term use in response to demands will result in significant long-term adverse effects on the beach environment. The proposed action will enhance the environment over the long-term in that (1) shore birds and sea turtle populations will increase because of decreased disturbance and destruction of nest, young and habitat, (2) a more stable beach and dune system will occur when motorized recreational vehicles are removed from the beach and (3) reduced vehicular use on the beach will result in a safer and more aesthetically pleasing experience for the beach-using public. The proposal will enhance the long-term environmental

productivity of the area.

VII. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES

None.

VIII. ALTERNATIVES TO THE PROPOSED ACTION

The alternatives to the proposed action are:

A. No Action

A No Action alternative would continue the present management of the beach. No new restrictions would be placed on beach vehicle use.

Refuge public use, though somewhat erratic, has generally been increasing over the past 5 years. (10% increase since 1971). (See Table #1). Off-road vehicle use of the Refuge beach has been more erratic in its trend than total public use, with an 8% increase since 1971. These trends would be expected to continue.

Impacts

Vehicular disturbance of wildlife would continue. Physical damage to nesting colonies of birds and to loggerhead turtle nests would continue. Vehicle ruts would continue to trap young turtles emerging from nests and seeking the water.

Damage to the upper beach and the barrier dunes would continue.

Conflicts with other beach-oriented public uses would continue.

The safety hazard to pedestrians would remain.

B. Year-round Closure

This alternative would close the entire 13.5 mile Refuge beach to off-road vehicles on a year-round basis.

Impacts

This alternative would have the same impacts identified for the proposed action with the following additions:

All impacts will be extended over the entire year.

When combined with National Park Service closures (one mile), this alternative would remove 14.5 miles of the 70 miles (21%) of National Seashore beach from use by off-road vehicles on a year-round basis.

Beach and dune protection from vehicular damage would be increased to the maximum. As a result, erosion would be reduced significantly which in turn would reduce the possibility of overwash and flooding during storms.

Conflicts between off-road vehicles and other beach users would be reduced to the minimum on a year-round basis.

Approximately 4,500 additional off-road vehicle visits (averaging three persons per vehicle per visit) would be displaced to other beaches during the October through May 14 period annually. (Tables 2 and 3).

Vehicular disturbance to migrating and wintering wildlife species on Refuge beaches will be virtually eliminated.

C. Summer Closure on Portion of Refuge Beach

This alternative would close only 12 miles of Refuge beach to ORV use during the May 15 through September 30 period annually. The northernmost 1½ miles of Refuge beach, which is under National Park Service administration (for recreation only) would remain open to beach vehicles.

This alternative would have the same impacts as the proposed action with the following exceptions:

Vehicular damage to beach and dunes would continue and perhaps increase on the 1½ mile area unaffected by the closure.

An unknown portion of current Refuge off-road vehicle use would be displaced to the 1½ mile area remaining open, resulting in crowding and increased conflicts with other beach users and wildlife.

Beach vehicle users would still have a small area in which to operate on the Pea Island Refuge during the summer months.

IX. CONSULTATION AND COORDINATION WITH OTHERS

Consultation and Coordination in Development of Proposal and Preparation of Environmental Assessment

The proposal has been coordinated with the National Park Service. Beach closure has been discussed with Cape Hatteras National Seashore personnel for several years and was the subject of a special meeting in January 1976. The National Park Service was provided copies of the initial draft of the environmental assessment for review and comment.

A copy of the initial draft assessment was provided the Bureau of Outdoor Recreation for their review and comment. (See attached).

On April 6, 1975, Pea Island National Wildlife Refuge Manager N. F. Williamson advised the North Carolina Beach Buggy Association during their quarterly meeting of tentative plans to publish in the Federal Register on April 15, 1975 or as soon as possible thereafter the Fish and Wildlife Service's intent to close 12 miles of the Pea Island beach. Manager Williamson explained the reasons for closing the beach during the period from May 15 through September 30 each year. Some of the Association members voiced opposition to the planned action.

Several letters and news articles have been received concerning the proposed action. (See appendix).

As stated in Section I of this assessment, Proposed Rulemaking procedures will be used to implement the proposal and anyone desiring to comment on the proposal will have the opportunity to do so. A public hearing will be scheduled during the comment period to obtain further input.

APPENDICES

EXECUTIVE ORDER 11644

Use of Off Road Vehicles on the Public Lands

An estimated 5 million off-road recreational vehicles—motorcycles, minibikes, ~~trail bikes~~, ~~snowmobiles~~, dune-buggies, all-terrain vehicles, and others—are ~~in use~~ in the United States today, and their popularity continues to increase rapidly. The widespread use of such vehicles on the public lands—often for legitimate purposes but also in frequent conflict with wise land and resource management practices, environmental values, and other types of recreational activity—has demonstrated the need for a unified Federal policy toward the use of such vehicles on the public lands.

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States by the Constitution of the United States and in furtherance of the purpose and policy of the National Environmental Policy Act of 1969 (42 U.S.C. 4321), it is hereby ordered as follows:

SECTION 1. *Purpose.* It is the purpose of this order to establish policies and provide for procedures that will ensure that the use of off-road vehicles on public lands will be controlled and directed so as to protect the resources of those lands, to promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands.

SEC. 2. *Definitions.* As used in this order, the term:

(1) "public lands" means (A) all lands under the custody and control of the Secretary of the Interior and the Secretary of Agriculture, except Indian lands, (B) lands under the custody and control of the Tennessee Valley Authority that are situated in western Kentucky and Tennessee and are designated as "Land Between the Lakes," and (C) lands under the custody and control of the Secretary of Defense;

(2) "respective agency head" means the Secretary of the Interior, the Secretary of Defense, the Secretary of Agriculture, and the Board of Directors of the Tennessee Valley Authority, with respect to public lands under the custody and control of each;

(3) "off-road vehicle" means any motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain; except that such term excludes (A) any registered motorboat, (B) any military, fire, emergency, or law enforcement vehicle when used for emergency purposes, and (C) any vehicle whose use is expressly authorized by the respective agency head under a permit, lease, license, or contract; and

(4) "official use" means use by an employee, agent, or designated representative of the Federal Government or one of its contractors in the course of his employment, agency, or representation.

SEC. 3. *Zones of Use.* (a) Each respective agency head shall develop and issue regulations and administrative instructions, within six months of the date of this order, to provide for administrative designation of the specific areas and trails on public lands on which the use of off-road vehicles may be permitted, and areas in which the use of off-road vehicles may not be permitted, and set a date by which such designation of all public lands shall be completed. Those regulations shall direct that the designation of such areas and trails will be based upon the protection of the resources of the public lands, promotion of the safety of all users of those lands, and minimization of conflicts among the various uses of those lands. The regulations shall further require that the designation of such areas and trails shall be in accordance with the following—

(1) Areas and trails shall be located to minimize damage to soil, watershed, vegetation, or other resources of the public lands.

(2) Areas and trails shall be located to minimize harassment of wildlife or significant disruption of wildlife habitats.

(3) Areas and trails shall be located to minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring public lands, and to ensure the compatibility of such uses with existing conditions in populated areas, taking into account noise and other factors.

(4) Areas and trails shall not be located in officially designated Wilderness Areas or Primitive Areas. Areas and trails shall be located in areas of the National Park system, Natural Areas, or National Wildlife Refuges and Game Ranges only if the respective agency head determines that off-road vehicle use in such locations will not adversely affect their natural, aesthetic, or scenic values.

(b) The respective agency head shall ensure adequate opportunity for public participation in the promulgation of such regulations and in the designation of areas and trails under this section.

(c) The limitations on off-road vehicle use imposed under this section shall not apply to official use.

SEC. 4. *Operating Conditions.* Each respective agency head shall develop and publish, within one year of the date of this order, regulations prescribing operating conditions for off-road vehicles on the public lands. These regulations shall be directed at protecting resource values, preserving public health, safety, and welfare, and minimizing use conflicts.

SEC. 5. *Public Information.* The respective agency head shall ensure that areas and trails where off-road vehicle use is permitted are well marked and shall provide for the publication and distribution of information, including maps, describing such areas and trails and explaining the conditions on vehicle use. He shall seek cooperation of relevant State agencies in the dissemination of this information.

SEC. 6. *Enforcement.* The respective agency head shall, where authorized by law, prescribe appropriate penalties for violation of regulations adopted pursuant to this order, and shall establish procedures for the enforcement of those regulations. To the extent permitted by law, he may enter into agreements with State or local governmental agencies for cooperative enforcement of laws and regulations relating to off-road vehicle use.

SEC. 7. *Consultation.* Before issuing the regulations or administrative instructions required by this order or designating areas or trails as required by this order and those regulations and administrative instructions, the Secretary of the Interior shall, as appropriate, consult with the Atomic Energy Commission.

SEC. 8. *Monitoring of Effects and Review.* (a) The respective agency head shall monitor the effects of the use of off-road vehicles on lands under their jurisdictions. On the basis of the information gathered, they shall from time to time amend or rescind designations of areas or other actions taken pursuant to this order as necessary to further the policy of this order.

(b) The Council on Environmental Quality shall maintain a continuing review of the implementation of this order.



APPENDIX B

Letters and News Articles Concerning the Proposed Action

1. Robert D. Barbee, Superintendent, Cape Hatteras National Seashore, March 27, 1973.
2. Jeff Stansbury and Edward Flattau, Los Angeles Times Syndicate Times Mirror Square, Los Angeles, California 90053, news release, May 5-6, 1973.
3. Mrs. Warren H. Turner, Jr., P. O. Box 385, Nags Head, North Carolina 27959, April 14, 1974.
4. W. Carlyle Blakeney, Jr., National Audubon Society, P. O. Box 28191, Atlanta, Georgia 30328, May 24, 1974 (copy of Pea Island National Wildlife Refuge Manager Williamson's May 30, 1974 reply to Blakeney's letter).
5. Doris Cowart, Chapel Hill, North Carolina, June 30, 1975 (exact date not known) letter to the Editor of the Raleigh News and Observer with article entitled "Pea Island - Beach Vehicle Ban Delayed," June 28, 1975.
6. Howard D. Marsh, Jr., Senn, Willard and Senn, 1846 Banking Street, Greensboro, North Carolina 27408, July 8, 1975 with July 8, 1975 editorial from the Greensboro Daily News.
7. William A. Butler, Washington Counsel, Environmental Defense Fund, 1525 18th Street, N. W., Washington, D. C. 20035, July 15, 1975.
8. Mr. and Mrs. Donald Teague, 1208 Manzanita Drive, Santa Paula, California 93060, August 16, 1975 (copy of Acting Associate Director Nightingale's September 9, 1975 reply to the Teague's letter).
9. News Article - The Coastland Times, February 12, 1976.
10. News Article - The Virginia Pilot, February 13, 1976.
11. News Article - The Virginia Pilot, February 14, 1976.
12. Special Bulletin - Official Publication of North Carolina Beach Buggy Association with Resolution of North Carolina Wildlife Federation, News Article from The Virginia Pilot, and suggested letter format.

W46-40

March 27, 1973

To: Director, Southeast Region

From: Superintendent, Cape Hatteras

Subject: Off Road Vehicles - Report and Recommendation of
Pea Island National Wildlife Refuge, Manager

Enclosed is a copy of Pea Island Refuge Manager H. F. Williamson, Jr.'s report and recommendations for control of off road vehicles. Mr. Williamson conferred with us while drafting this report since the problems are mutual and we are working on proposed solutions for the Seashore. We concur with Mr. Williamson's recommendations and under separate cover are forwarding a draft of proposed special regulations for Cape Hatteras National Seashore which follows the same basic framework.

ROBERT D. BARBER

Robert D. Barber

Enclosure

cc: H. F. Williamson, Jr.

Regional Director, Atlanta, Georgia

May 17, 1973

Refuge Manager, Pea Island

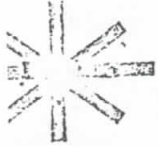
News Release

The attached news release is self explanatory. Mr. Platten called me at home about 10:30 p.m. on April 25. He had previously called Superintendent Garbo, Cape Hatteras National Seashore, but was referred to me for my comments on the traffic.

W. F. Williamson, Jr.

Enclosure

"Accident Free in '73"



LOS ANGELES TIMES SYNDICATE

Times Mirror Square / Los Angeles, California 90053

Cooperation

Rec'd
Manager
Asst. Mgr.
M. man.
Clerk

OUR ENVIRONMENT by Jeff Stansbury and Edward Flattau

RELEASE DATE: Saturday, May 5, 1973, or
Sunday, May 6, 1973

BANKRUPTING THE OUTER BANKS

by Jeff Stansbury and Edward Flattau

1. Action
2. Read
3. Inform
4. File
5. Discard

HATTERAS, N.C.--For those concerned about our remaining unspoiled beaches disappearing in an avalanche of commercial and residential development, the Cape Hatteras National Seashore has always been a great comfort.

Last Easter Sunday, however, if one had sought the sanctuary of that 70-mile-long ribbon of sand which comprises part of the Outer Banks, he would have been greatly distressed.

Yearning to bask in the brilliant spring sun and listen to the surf break against the uncrowded stretches of beach, he would have soon heard a humming sound in the distance. In a few minutes, he would have felt he was in the middle of a California freeway rather than a national seashore. Automobiles, jeeps and even motorcycles, driven by fishermen and joy riders, would have raced past him.

All this commotion is perfectly legal, mind you, along the entire length of the beach, including a 12-mile stretch designated as the Pea Island National Wildlife Refuge.

-more-

Los Angeles Times Syndicate
Los Angeles, California

Page Two...OUR ENVIRONMENT...May 5-6...Wildlife Refuge.

As long as a licensed vehicle doesn't roam over the actual dunes, it is free to sully the landscape, shatter the serenity and it turns swimmers and sunbathers into harassed pedestrians.

Dr. Orin Pilkey, a Duke University geology professor, warns that heavy traffic on the beach's flat area could contribute to erosion by impeding the creation of new sand dunes which form largely from seaweed washed up on shore.

Park Service rangers report having found nests and eggs of sea birds and turtles, as well as the creatures themselves, crushed in tire tracks along the ocean's edge. John Williamson, who manages Pea Island for the Fish and Wildlife Service (FWS), says that terns and skimmers, birds which traditionally nest in the sand along the tidewater mark, have not reproduced in the refuge during the past three years.

"Under the law, the refuge was set aside for wildlife, so if we don't close it now, we are not doing our job," he says. Williamson has asked his superiors to declare Pea Island's beach off-limits to all vehicles and his request has been favorably received.

The same proposal, however, was advanced by the FWS three years ago, only to be blocked by the National Park Service (NPS) which manages the entire Hatteras seashore and

Los Angeles Times Syndicate
Los Angeles, California

Page Three...OUR ENVIRONMENT...May 5-6...Pea Island.

The NPS has indicated concern about the increasing volume of cars on Hatteras beaches but has not said whether it will go along this time with the FWS.

Kit Wing, chief of the NPS' Division of Park Operations, defends his agency's past policy on off-road vehicles. "In creating national seashores, Congress defined outdoor recreation as the dominant and primary resource management objective (as opposed to national parks where preservation is given equal importance). So, ultimately, we bow to the needs of recreationists rather than preservationists."

Wing also contends the heavy Hatteras traffic is purely a holiday phenomenon. But this will not be the case if tacky development continues to spread at an alarming rate throughout the Outer Banks, and protective coastal legislation is gutted or killed in the North Carolina State Legislature's current session.

Local citizens' concern has helped national seashore areas like Fire Island, N.Y., Cape Cod, Mass., and Pt. Reyes, Calif., to institute much tougher restrictions on beach traffic than Hatteras has. In contrast, local influence on the Outer Banks has contributed to the imposition of an aesthetically and environmentally unpalatable policy on federal lands.

Los Angeles Times Syndicate
Los Angeles, California

Page Four...OUR ENVIRONMENT...May 5-6...federal lands.

An excellent highway parallels the beach the entire length of the Cape Hatteras National Seashore, with frequent roadside parking areas from which one can easily walk to the ocean and then in either direction to his heart's content. Fishermen may not be as successful on foot as they are in jeeps equipped with two-way radios, but that seems a modest price to pay for preventing the transformation of beaches into freeways and parking lots.

The NPS tried several years ago to restrict Hatteras beach traffic (but retreated under local pressure). During the summer, it bars automobiles from a few small beach areas popular with swimmers.

Something more is obviously needed. A motorist in a national park is not permitted to leave the highway to drive across a meadow because he sees a promising trout stream. Clearly, our remaining undeveloped seashore is as precious a resource as our national parks and should be reclassified and treated accordingly.

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Pea Island National Wildlife Refuge
P. O. Box 606
Hertoo, North Carolina 27954

April 25, 1975

Mrs. Warren H. Turner, Jr.
P. O. Box 385
Hags Head, N. C. 27959

Dear Mrs. Turner:

I appreciate your letter of April 14, 1975, supporting our proposed closure of the refuge beaches for wildlife during their nesting season.

As of yet, the proposal to close the beach has not been published in the Federal Register, but when it is published, I would appreciate your support in the form of a letter to The Director; U. S. Fish & Wildlife; Washington, D. C. 20240. Also, any support from your friends would be greatly appreciated.

Thanks again.

Sincerely,

N. F. Williamson, Jr.
Refuge Manager

Spindrift
Box 309, Mills Road
North Carolina 27553

14 April 1974

Mr. R. P. Williamson
505 Menzies Drive Street
Wanteo, North Carolina

Dear Mr. Williamson:

For what it is worth and as a resident of Moss
Head and as one most interested in the Per. Island Wildlife Refuge,
I would like to support the proposal to close the Refuge beach to
vehicles during the summer months.

To protect the nesting sites is most important
and, it seems to me, part of the job of the Fish and Wildlife
Service. What is a refuge for if not to protect the wildlife?

My all means the beach should be closed. This
time the birds and the turtles come first!

Sincerely yours,

For Fred Turner
(Mrs. Warren H. Turner, Jr.),

A.S. O'Leary to!

Poa Island National Wildlife Refuge
P. O. Box 606
Manteo, North Carolina 27954

May 30, 1974

Mr. W. Gerdyne Maloney, Jr.
National Audubon Society
P. O. Box 20191
Atlanta, Georgia 30328

Dear Mr. Maloney:

We received your letter of May 24, 1974 concerning the problem of off-road vehicles on Poa Island National Wildlife Refuge; and very much appreciate your concern. We too have had numerous complaints and hope to get this problem solved in the near future.

Bird species nesting on the beach in past years included royal tern (only a very few), common tern, gull-billed tern, black skimmer, cypress catcher and least tern, most numerous. These birds have had some success, but very little.

The Atlantic longshore and possibly the ridley sea turtles nest on the refuge beach. In past years we have noted the turtle eggs to a safe place for incubating, but as you know, this is impossible for the birds.

In 1972, we posted a large area on the beach, about 2 miles, for protection of the nesting birds, primarily least tern. We believe the signs attract people and might cause them to enter the area. However, we have a couple of small areas that we plan to post again this year and see if we can protect the nesting least terns.

We talked to Mrs. Freda Fish concerning this problem, and she stated that she believed both the refuge and Audubon Society signs should be put up around posted areas. Could you provide us with 25 to 50 Audubon signs that we could use? If so, we would be most appreciative.

Sincerely,

H. F. Williamson, Jr.
H. F. Williamson, Jr.

cc: Bureau Sport Fisheries & Wildlife
Atlanta, Georgia

SENTINEL, WILMINGTON, DECEMBER 10, 1975
1000 E. 10TH ST., WILMINGTON, NC 28401

HOWARD D. MARSH, JR.
VICE PRESIDENT
ASSOCIATED AMERICAN MANAGERS

60

July 8, 1975

Mr. Richardson Preyer
324 W. Market Street
Greensboro, NC 27401

Dear Mr. Preyer:

I would like to pass along an editorial from a July 8th Greensboro Daily News that you might have read.

I am in agreement with this article and think that there should be a vehicle ban at the Pea Island Refuge during the summer nesting season.

This is a beautiful stretch of beach that we are fortunate to have within our state.

I would endorse a vehicle ban from June through September 30. I think in the fall and winter the beach ought to be open for vehicles belonging to fishermen.

I would also like to state my opinion that we should have a 200 mile limit for fishermen of foreign countries off the coast of our country. I do not see the necessity for allowing Russian ships and boats to come as close as they can to our country and destroy the small fish and literally take everything from the ocean that they can drag up.

Very truly yours,

Howard D. Marsh, Jr.

Howard D. Marsh, Jr.

HDM/ab

Pea Island

RALEIGH
NEWS & OBSERVER

June 28, 1975
Saturday

Beach Vehicle Ban Delayed

WAVES — Threatened with protests, the U. S. Bureau of Fisheries and Wildlife has delayed at least until next year plans to ban vehicles from beaches in the Pea Island National Wildlife Refuge during the summer.

Refuge Manager F. M. (John) Williamson said Friday an environmental assessment will be prepared on the proposal, designed to keep vehicles from disturbing nesting shore birds and sea turtles on the 13½-mile long Outer Banks beach.

Williamson had recommended that the area be closed from June 15 to September 30 this year and from May 15 to September 30 in the future.

The North Carolina Marine Fisheries Commission urged further study of the proposal and officials of the North Carolina Beach Buggy Association, an organization of several hundred members, indicated they might oppose the ban unless there was a clear threat to wildlife.

Williamson said he still has authority

to close specific nesting areas. Vehicles are allowed only within 150 feet of the ocean or, where the water is close to the shore, within 150 feet of the beach dunes.

Traffic often scares birds from their nests, Williamson said, causing the eggs to ruin. There has been outright destruction of some nests, he added.

"I feel like the refuge was set aside to protect wildlife," he said. "That's what it should be used for."

Raleigh News & Observer Shore Bird, Turtle (first) June 15 Protection Supported

To the Editor: I am at a loss to understand the reasoning behind the delay urged by the N. C. Marine Fisheries Commission in banning vehicles from beaches in the Pea Island Wildlife Refuge during the summer. The three month ban for protecting nesting shore birds and sea turtles in an area designated to do just that seems entirely reasonable to me.

Also, the idea that the manager of a National Seashore Refuge (not state, but

federal) could be intimidated by the "the threat of a protest" (NCO, Saturday, June 28th) is undeniable. If the refuge manager's authority in an area that belongs not to the region, not to the state, but to the whole country is so weak and his resolve to carry out measures he considers in the best interests of area wildlife is so shaky, then he either needs to be replaced or his authority should be made clear and strengthened.

That refuge was not created for the convenience of people who use the beach as dune buggy drag strips. Neither was the N. C. Marine Fisheries Commission created to abort the purpose of the Wildlife Refuge.

DORIS COWART

Chapel Hill.



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

In Reply Refer To:
FWS/PE
FST 4338

ACU 621313

Dear Mr. Butler:

Thank you for your July 15 letter supporting regulations to limit vehicular access on the beaches of Pea Island National Wildlife Refuge in North Carolina. Appropriate regulations to this effect are currently being considered by the Fish and Wildlife Service. The refuge staff and regional office personnel are presently preparing an environmental assessment of this proposed action.

We appreciate very much your involvement in the recent Pea Island refuge case and your indication of interest and support for needed regulations at Pea Island Refuge.

Sincerely yours,

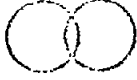
(sgd) Nathaniel P. Reed

Assistant Secretary for Fish
and Wildlife and Parks

Mr. William A. Butler
Washington Counsel
Environmental Defense Fund
1825 18th Street, NW,
Washington, D.C. 20036

cc: Refuge Mgr, Pea Island NWR

ENVIRONMENTAL
DEFENSE
FUND



1525 16th STREET, NW, WASHINGTON, D.C. 20036/WT 833-1

July 15, 1975

Nathaniel Reed
Assistant Secretary of Interior for
Fish, Wildlife & Parks
U.S. Department of the Interior
Washington, D.C. 20240

Dear Secretary Reed:

Recently your regulations limiting beach access in Back Bay National Wildlife Refuge were upheld by the Fourth Circuit U.S. Court of Appeals. We were among those environmental groups supporting you in court.

We now wish to bring to your attention a comparable problem regarding the beaches of the Pea Island (N.C.) National Wildlife Refuge, where your embattled refuge Manager John Williamson (see attached) is engaged in defending wildlife nesting areas from the ravages of beach buggy enthusiasts.

There are plenty of beaches on the Outer Banks where beach buggies are allowed. For many of the same reasons you restricted beach traffic in the Back Bay Refuge, we urge you to do the same at Pea Island. The Pea Island situation should be even easier for you to regulate since the arguments of those who would ravage the Refuge beaches with beach buggies purely for recreational purposes are not nearly as compelling as those who allege need to use the beach for vehicular access to property south of Back Bay.

Sincerely,

William A. Butler
Washington Counsel

cc: E.U. Curtis Bohlen
Deputy Ass't. Secretary for Fish,
Wildlife & Parks
U.S. Department of the Interior
Washington, D.C. 20240

ADDRESS ONLY THE DIRECTOR
FISH AND WILDLIFE SERVICE

United States Department of the Interior

FISH AND WILDLIFE SERVICE
WASHINGTON, D.C. 20240

RF

In Reply Refer To:
FWS/RF

Mr. and Mrs. Donald Teague
1208 Manzanita Drive
Santa Paula, California 93060

Dear Mr. and Mrs. Teague:

Thank you for your August 17 letter supporting the Department of the Interior's decision on limiting vehicular travel on Back Bay National Wildlife Refuge. The courts have upheld the Department's position on this issue and Assistant Secretary Reed recently hailed the courts decision as "reconfirming that first priority will be given to the preservation of wildlife on national wildlife refuges."

The refuge staff and regional office personnel are presently preparing an environmental assessment concerning regulations limiting vehicular access on the beaches of Pea Island National Wildlife Refuge. Regulations to this effect are currently being considered by the Fish and Wildlife Service. A final decision will not be reached until the public has had an opportunity to comment on the proposed action.

We appreciate your interest and support for the needed regulations at both Back Bay and Pea Island Refuges.

Sincerely yours,

(sgd) Gordon T. Nighlingale

Director

Givens
Winters
Rund
Wilson
Cannon
Van Hook
Barber
Bulfinch
Fodor
Gordon
Hill
Kane
Ladd
Mason
McNair
Miller
Munich
Nighlingale
O'Connell
Parker
Rosen
Sullivan
Tamm
Trotter
Walters
Ward
Wright
Tele. Room
Holloman
Gandy

CONSERVE
AMERICA'S
ENERGY

Regional Director, Atlanta, Ga.

Save Energy and You Save America

NCBBA Opposes Pea Island Refuge Beach Closure

A move to close to beach buggies 12 miles of ocean front in the Pea Island Wildlife Refuge has taken a representative of the North Carolina Beach Buggy Association to Raleigh to speak before the 31st annual convention of the N. C. Wildlife Federation.

Donn S. Mitchell of Nags Head, NCBBA vice-president, chairman of the NCBBA Beach Task Force and president of the Outer Banks Preservation

Association, presented a statement from the organization this morning, Feb. 12, before the Federation delegates.

"The manager of the Pea Island National Wildlife Refuge, located within the boundaries of the Cape Hatteras National Seashore on North Carolina's Outer Banks, has submitted to the U. S. Fish and Wildlife Service the draft documents calling for closure of 12 miles of the Refuge beach from May 15 through Sept. 30, 1976," Mitchell's statement opens.

The reason for the closure is the protection of the nesting habitat for the least tern and loggerhead turtle.

The closure would affect beach buggies only, not "the walkover-the-dune visitor who is bird watching, sightseeing or souvenir collecting; not the walk-in fisherman who may park his gear directly in front of a nest; and not the ram-bunctious children and dogs who roam the dunes and vegetation 'stretching their legs' during a rest stop at one of the visitor parking areas provided in the Refuge," Mitchell said in his statement.

He quoted a statement of policy from the Department of the Interior, made Aug. 13, 1975. It read, "It is not the intent of the Department of Interior or of the National Park Service to discriminate against surf fishing and concomitant off-road vehicle use."

Mitchell noted the number of bird colonies on the Refuge and the number of turtle crawls. Of the latter, since 1970 there have been 66 natural crawls and 24 natural nests. He said that in

NCBBA

(Continued from Page One)

the past 20 years bird colonies numbered from zero to four with four colonies of 900 adults in 1975.

He added that, "in recent years tern nests have averaged 30 with 100-200 adults. Black Skimmers numbered 200 in mid-summer 1975 and other birds such as the sandpipers, sanderlings, turnstones, etc., have averaged 3,000 over six years."

The number of beach vehicles in the 139-day period during which the birds and turtles were counted numbered 3,900, an

average of 28 per day, on a 12 mile stretch.

"The Refuge records also show during this same 1975 period that there were 66,200 use days of human use — of which only 12,000 or 18 percent entered via vehicles, leaving 82 percent of the visitor use during this nesting period coming from dune climbing, walk-in visitors and their entourage," the statement went on.

Mitchell also noted that of the total recorded activity hours, fishermen accounted for 87 percent of the total time. "Thus, 161,820 hours of visitor use were by the fishermen at the water's edge — not in the dunes or vegetation," he pointed out.

Mitchell, in a further point, said that "coupled with closures in the surrounding Cape Hatteras National Seashore, this refuge closure would result in only some 16 miles of open beach to vehicular traffic out of a total 72 miles under Federal jurisdiction.

"This Refuge closure would constitute 42.5 percent of the beach open to vehicles in 1975 and would concentrate the increasing number of off-road vehicles in the few remaining open areas — leading to serious over-use, with possible damage to the environment and then resultant closure of those areas since their carrying capacity would have been exceeded."

Stressing that the manager of the Pea Island Refuge proposes to "close 90 percent of the ocean beach to protect an aggregate of less than one mile of nesting area," Mitchell called for adoption of a resolution by the N. C. Wildlife Federation.

The resolution calls for:

— Preservation of as much open unrestricted beach as possible.

— If vehicles are prohibited,

pedestrians should be also.

— The Secretary of the Interior should hold a public hearing to examine the factors leading to the Refuge manager's decision, the hearing to be held in Dare County and the Park Service to be present to respond to the question of impact of such a decision on adjacent Federal lands.

12 Miles Affected

THE VIRGINIAN PILOT

2/13/76

Proposed Pea Island Ban on Traffic Called Unfair by Recreational Group

By JEANNETTE DAVIS

Virginian-Pilot Correspondent

RALEIGH—A proposed ban on vehicle traffic in the Pea Island National Wildlife Refuge was protested in Raleigh Thursday afternoon.

The protest was made to the Salt Water Fishing Committee by Donna Mitchell, vice president of the N.C. Beach Buggy Association. The remarks were heard during the 31st Annual Convention of the N.C. Wildlife Federation.

Mitchell said the proposed ban was discriminatory because it was directed toward vehicle traffic only.

He presented a resolution to the federal Department of the Interior to preserve as much unrestricted beach as possible, to treat all beach users equitably and to hold a public hearing in Dare County to examine factors leading to the ban.

Johnny Williams, manager of the refuge located in Cape Hatteras National Seashore and the ban would call for closing 12 miles

or 50 per cent of ocean front from May 15 through Sept. 30. Williams' reasons were to protect the nesting habitat of terns and loggerhead turtles. The closing would affect only beach vehicles and not walk-over traffic. Mitchell said in his text "While clearly recognizing that providing wildlife habitat is the primary objective of such a refuge as Pea Island . . . we submit that the Pea Island closure proposal, as submitted, is unsound and unfair for several reasons."

Mitchell said from May 15 through Sept. 30, 1975 the refuge recorded use by 3,900 vehicles, an average of 25 per day. During

"While clearly recognizing that providing wildlife habitat is the primary objective of such a refuge as Pea Island.. we submit that the Pea Island closure, as submitted, is unsound and unfair for several reasons."

— Mitchell

that same period, the refuge recorded 66,300 days of human use, of which 16 per cent entered by vehicles. Mitchell said "Public access had been unrestricted since the refuge established in 1938. Although tremendous increases have occurred in both off-road vehicles and visitors, there has been no recorded change in the constituency of the refuge. In fact, 1975 was a record year for the refuge—in birds, turtles, victors and vehicles."

The proposed ban would begin at the northeast boundary of the Coast Guard station at Oregon Inlet and continue to a

point one-half mile above the southern boundary. During the past 20 years, bird colonies on the refuge have varied from 0 to 4. In 1975 there were four colonies with 500 adult birds.

Mitchell said before his speech that his association agreed some marsh areas should be closed to all traffic "because they are fragile, sensitive areas. But they should be permanently closed to everyone." He also contends that the ban would have an economic impact on the Outer Banks. He said "People will have no way to know what areas are closed to their recreation vehicles until they drive hundreds of miles to get here."

An additional 23,700 acres of water area has been added to the refuge since 1938 and provides habitats for snow geese, brant, Canada geese, ducks, shore birds, terns, and gulls.

Pea Island Refuge

VIRGINIAN PILOT

2/14/76

Beach Buggies Supported

By JEANETTE DAVIS

Virginian-Pilot Correspondent

RALEIGH—The Salt Water Fishing Committee of the N. C. Wildlife Federation has unanimously accepted a resolution opposing the ban of beach buggies on the Pea Island National Wildlife Refuge.

The action was taken Thursday at the federation's convention here. It was prompted by a resolution offered by Don Mitchell of Nags Head, vice president of the N. C. Beach Buggy Association.

The resolution, which was adopted, asked the U. S. Interior Department to

preserve as much unrestricted beach as possible; to treat beach users equitably; and to hold a public hearing in Dare County on the proposed ban.

Mitchell said the only change added was a request that a hearing be held in Washington also, with the date of the hearing to be set by the Interior Department.

"I'm much encouraged by the unanimous support of the N. C. Wildlife Federation. I feel confident we will be successful with the Department of the Interior to get this order rescinded or modified. I think we got unanimous approval in Raleigh because we have a good, solid case," Mitchell said Friday.

The ban of vehicular traffic along 90 per cent of the refuge beachfront was proposed by Johnny Williams, manager of the refuge. Williams said the ban is necessary to protect the nests of terns and loggerhead turtles. The ban would be in effect May 15 to Sept. 30.

Mitchell said, however, that in 1975 the refuge had its heaviest use by vehicles but also its heaviest use by both the terns and the turtles.

Mitchell and his association contend that the ban would be discriminatory, since it is directed at vehicles only.

Pea Island National Wildlife Refuge is in Cape Hatteras National Seashore on North Carolina's Outer Banks.

VIRGINIAN PILOT 2/15/76
BATTLE OF PEA ISLAND

A group of Outer Banks surf fishermen has pledged a fight against a proposal to close 90 per cent of the Pea Island National Wildlife Refuge to beach buggies.

Supporting the stand of the North Carolina Beach Buggy Association is the North Carolina Wildlife Federation which decided last week to endorse the fishermen's call for hearings on the proposal.

Refuge officials have asked the U.S. Fish and Wildlife Service to close 12 miles of the Pea Island beach from May 15 through Sept. 30 to protect nests of terns and loggerhead turtles.

Donn S. Mitchell of Nags Head said his group opposes the plan because it would apply only to beach vehicles and not to those who might walk over the sand dunes.

Those who walk over the dunes pose a greater threat to the birds and turtles because the buggies get on the beach only by approved ramps, he said. "The proposed closure would affect only beach vehicles—not the walk-over-the-dune visitor who is bird watching, sightseeing or souvenir collecting; not the walkin fisherman who may park directly in front of a nest and not the rambunctious children and dogs who roam the dunes and vegetation," he said.

OFFICIAL PUBLICATION OF N.C. BEACH BUGGY ASSOCIATION
Box 71 Point Harbor, N.C. 27964

President - Carl Schleuss
Vice-Pres. - Donn Mitchell
Sec-Treas. - Robert Pinault
Corr. Sec. - Joan Armstrong

Directors
Fritz Boyden
Clair Bullington
John Copley

Jim Lee
Kitty Lourie
Joe White

- SPECIAL BULLETIN

The Manager of the Pea Island National Wildlife Refuge has submitted his long-awaited closure proposal to the Fish & Wildlife Service. It is expected to appear in the Federal Register (Uncle Sam's legal newspaper) by March 1.

This closure would ban beach vehicles from a point opposite the Coast Guard station near the south point of Oregon Inlet some 12 miles south to a point about half a mile from the refuge boundary, at the village of Rodanthe. It would not ban anyone else from the beach, just beach vehicles.

The closure period this year would be from May 15 to September 30, aimed at protecting nesting sites for shorebirds such as the least tern and loggerhead turtles.

Officers and directors of NCBBA have studied this proposal in detail, and sent NCBBA Vice-President Donn Mitchell to the annual meeting of the North Carolina Wildlife Federation in Raleigh last week to seek support in fighting the closure.

The decision to fight the closure was made only after weighing conservation needs against our personal desires to use the beach; and after weighing what steps are really needed to protect bird and turtle nesting sites. Since we are concerned with all of the Outer Banks, and since this closure would affect the most heavily used area north of Cape Point, we also considered the impact on other areas. We base our protest on the following:

---The closure would ban vehicles from 12 miles of beach to protect nesting areas which altogether involve less than one mile of beach.

---The closure would be discriminatory, since it would leave nesting areas open to pedestrian traffic and would bar only one class of user.

---The closure would have severe impact and create over-use on other beaches of the Cape Hatteras National Seashore still remaining open.

---The closure would have a serious adverse impact on the economy of the Outer Banks.

The North Carolina Wildlife Federation, composed of member clubs across the State, passed a resolution calling upon the Secretary of the Interior to hold public hearings in Dare County and in Washington, D.C. Because of the vital importance of this resolution, we have reproduced it in full in this newsletter. Please read this resolution carefully, since it reflects not only the policy of NCBBA but now the policy of the North Carolina Wildlife Federation as well.

We have also reproduced one of the news articles which appeared in the Norfolk Virginian-Pilot, since it accurately summarizes the issue and the steps being taken by NCBBA.

Finally, we have included suggested language for a letter for you to write to the Secretary of the Interior and members of your Congressional Delegation. Put the letter in your own words, but by all means write.

RESOLUTION PASSED AT THE 31ST ANNUAL MEETING OF THE NORTH CAROLINA
WILDLIFE FEDERATION, RALEIGH, NORTH CAROLINA, FEBRUARY 14, 1976.

WHEREAS, the ocean beaches of North Carolina are becoming increasingly crowded with developments ranging from private cottages and ocean piers to protected Federal swimming beaches and campgrounds, AND

WHEREAS, the thousands of sportsmen who fish from over-sand vehicles are entitled to legitimate use of these beaches when this does not pose an unreasonable conflict with other uses, AND

WHEREAS, the Manager of the Pea Island National Wildlife Refuge proposes an almost total summer exclusion of vehicles over a great length of public beach to protect isolated and limited shore-bird nesting areas,

WE HEREBY RESOLVE that all closures be restricted to limited and clearly identified areas, and that every effort should be made by the U. S. Department of the Interior to preserve as much open, unrestricted beach as possible when this does not conflict with effective wildlife management.

WE FURTHER RESOLVE that all beach users be treated equitably, and that if beach vehicle passage is prohibited to protect nesting areas, those nesting areas should also be posted to exclude pedestrian traffic when necessary, and that the purpose, duration and authority for each closure be clearly posted with appropriate public notice, AND

WHEREAS, due to the already severely limited area in which over-sand vehicles may use ocean beaches, any closure will have an adverse effect on many people throughout the Nation, WE THEREFORE CALL upon the Secretary of the Interior to hold a public hearing, with no less than 30 days advance public notice, to thoroughly examine the factors leading to the refuge manager's decision, its impact on other public beaches, and to weigh public sentiment toward this decision. We ask that a public hearing be held in Dare County, North Carolina and in Washington, D. C., in a facility sufficiently large to accomodate those who wish to appear, and also that the National Park Service be prepared to respond to the question of impact of such a decision on adjacent Federal lands.

12 Miles Affected

Proposed Pea Island Ban on Traffic Called Unfair by Recreation Group

By JEANETTE DAVIS
Virginian-Pilot Correspondent

RALEIGH—A proposed ban on vehicle traffic in the Pea Island National Wildlife Refuge was protested in Raleigh Thursday afternoon.

The protest was made to the Salt Water Fishing Committee by Donna Mitchell, vice president of the N.C. Beach Buggy Association. The remarks were heard during the 31st Annual Convention of the N.C. Wildlife Federation.

Mitchell said the proposed ban was discriminatory because it was directed toward vehicle traffic only.

He presented a resolution to the federal government calling on the Department of the Interior to preserve as much unrestricted beach as possible, to treat all beach users equitably and to hold a public hearing in Dare County to examine factors leading to the ban.

Johnny Williams, manager of the refuge submitted the proposal. The refuge is located 12 miles offshore from Hatteras.

Williams' reasons were to protect the nesting habitat of terns and loggerhead turtles. The closing would affect only beach vehicles and not walk-over traffic.

Mitchell said in his text "While clearly recognizing that providing wildlife habitat is the primary objective of such a refuge as Pea Island . . . we submit that the Pea Island closure proposal, as submitted, is unsound and unfair for several reasons."

Mitchell said from May 15 through Sept. 30, or 50 per cent of ocean front from May 15 through Sept. 30.

That same period, the refuge recorded 66,250 days of human use, of which 18 per cent entered by vehicles.

Mitchell said "Public access had been unrestricted since the refuge established in 1938. Although tremendous increases have occurred in both off-road vehicles and visitors, there has been no recorded change in the constituency of the refuge. In fact, 1975 was a record year for the refuge—in birds, turtles, visitors and vehicles."

The proposed ban would begin at the

"While clearly recognizing that providing wildlife habitat is the primary objective of such a refuge as Pea Island, we submit that the Pea Island closure, as submitted, is unsound and unfair for several reasons."

— Mitchell

Mitchell said before his speech that his association agreed some marsh areas should be closed to all traffic. "I guess they are fragile, sensitive areas. But they should be permanently closed to every one." He also contended that the ban would have an economic impact on the Outer Banks. He said "People will have no way to know what areas are closed to their recreation vehicles until they drive hundreds of miles to get here."

An additional 23,700 acres of water area has been added to the refuge since 1933 and provides habitats for snow geese.

Since 1970 the refuge recorded 65 natural bird nests and 21 natural nests. Since 1972, 91 nests have been brought in from Cape Hatteras National Seashore and 3,060 hatchlings released into the ocean.

During the past 20 years, bird colonies on the refuge have varied from 0 to 4. In 1975 there were four colonies with 900 adults.

point one-half mile above the southern boundary.

